

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SANDRA MROZINSKI,)	CASE NO. 1:16-cv-664
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	Magistrate Judge George J. Limbert
)	
COMMISSIONER OF SOCIAL SECURITY ADMINISTRATION,)	
)	<u>MEMORANDUM OPINION</u>
Defendant.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge George J. Limbert. (ECF #15). On March 17, 2016, Plaintiff, Sandra Mrozinski, filed her Complaint (ECF #1) challenging the final decision of the Commissioner of Social Security denying her application for Disability Insurance Benefits. Ms. Mrozinski complained that: (1) “[t]he ALJ’s finding that [she] had skills transferable to a significant number of jobs in the economy lacked the support of substantial evidence” and (2) “[t]he ALJ failed to comply with the legal requirements of . . . the treating physician rule [when] evaluating the opinion of the treating specialist, Dr. Samuel.” (ECF #11, PageID 1296).

On January 23, 2017, the Magistrate Judge issued his Report and Recommendation. (ECF #15). The Magistrate Judge carefully considered the full record and determined that the ALJ’s finding that Plaintiff had transferable skills was supported by substantial evidence. (ECF #15, PageID 1409). Further, the Magistrate Judge carefully reviewed the evaluation of Dr. Samuel’s opinion and found the ALJ’s determination was supported by substantial evidence and

that the ALJ did not violate the treating physician rule. (ECF #15, PageID 1414). The Magistrate Judge recommends that the Court affirm the ALJ's decision and dismiss Plaintiff's case in its entirety with prejudice. Objections to the Report and Recommendation were to be filed within 14 days of service. No objections were filed.

Standard of Review for a Magistrate Judge's Report and Recommendation

The applicable standard of review of a magistrate judge's report and recommendation depends on whether objections were made to that report. When objections are made to a report and recommendation of a magistrate judge, the district court reviews the case de novo. FED. R. Civ. P. 72(b) states:

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

The text of Rule 72(b) addresses only the review of reports to which objections have been made; it does not indicate the appropriate standard of review for those reports to which no objections have been properly made. The Advisory Committee on Civil Rules commented on a district court's review of *unopposed* reports by magistrate judges. In regard to subsection (b) of Rule 72, the advisory committee stated: "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72 advisory committee's notes (citation omitted).

The U.S. Supreme Court stated in *Thomas v. Arn*, 474 U.S. 140, 150 (1985): "It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings."

Conclusion

The Court has carefully reviewed the Report and Recommendation and agrees with the findings set forth therein. The Report and Recommendation of Magistrate Judge Limbert (ECF #15) is ADOPTED. The decision of the Commissioner denying Plaintiff's request for Disability Insurance Benefits is AFFIRMED.

IT IS SO ORDERED



DONALD C. NUGENT
United States District Judge

DATED: February 14, 2017